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Attorneys for Plaintiffs

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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA STATE OUTDOOR  
ADVERTISING ASSOCIATION,  
INC., et al.,

Plaintiffs,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

Case No.: 2:05-CV-00599-FCD-DAD

STIPULATION RE: PERMANENT  
INJUNCTION PROHIBITING  
PENALTIES FOR FAILURE TO PAY  
FEES PRIOR TO DECEMBER 31, 2005  
AND CONTINUANCE OF HEARING ON  
MOTION FOR SUMMARY JUDGMENT;  
ORDER

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Plaintiffs and Defendants, through their respective counsel, enter into this stipulation with reference to the following:

- A. Plaintiffs have filed a motion for summary judgment (“Motion”), a hearing on which is currently set for December 16, 2005;
- B. Defendants seek to continue the hearing on the Motion for approximately 30 days on, among other grounds, their lead attorney is preoccupied with a trial in another case;
- C. Defendants have filed an ex parte application to continue the hearing on the Motion (the “Application”);
- D. Plaintiffs filed an opposition to the Application on, among other grounds, that a continuance of the hearing on the Motion would place Plaintiffs in the untenable position of either (a) paying approximately \$875,000 of fees pursuant to a void regulation or (b) risk substantial penalties for failing to pay said fees; and
- E. Plaintiffs contend that they are entitled to an injunction against the imposition of penalties for failing to pay the fees under Ex Parte Young, 209 U.S. 123, 145-149, 28 S. Ct. 441 (1908) and Oklahoma Operating Co. v. Love, 209 U.S. 331, 337-338, 40 S. Ct. 338 (1920).

WHEREFORE, Plaintiffs and Defendants stipulate to the following:

- 1. Defendant California Department of Transportation (“Caltrans”) shall not collect 2006 annual renewal permit fees under the Outdoor Advertising Act, California Business & Professions Code § 5200 et seq. until it has determined the amount of the fees pursuant to the Administrative Procedure Act, California Government Code § 13400 et seq.;
- 2. Caltrans and its agents shall be permanently enjoined from imposing penalties of any kind on Plaintiffs for failure to pay 2006 permit renewal fees on or before December 31, 2005, including but not limited to (a) monetary penalties under 4 Cal. Admin. Code § 2424, (b) the revocation of Plaintiffs’ permits or (c) the nonrenewal of Plaintiffs’ permits;

3. Except as expressly provided herein, the Court shall decide all of the issues raised in the Motion on the merits;

4. Except with respect to the permanent injunction described in paragraph 2 above, all parties preserve their rights to appeal the judgment issued by this Court as provided by law;

5. The hearing on the Motion shall be continued to 10:00 a.m. on February 10, 2006;

6. Defendants' opposition shall be filed and served on or before January 18, 2006; and

7. Plaintiffs' reply shall be filed and served on or before February 3, 2006.

Dated: November 29, 2005      CASE, KNOWLSON, JORDAN & WRIGHT LLP  
Michael F. Wright  
Armen Tamzarian

By: \_\_\_\_\_  
Michael F. Wright  
Attorneys for Plaintiffs

Dated: November 29, 2005      BRUCE BEHRENS, Chief Counsel  
RONALD W. BEALS, Assistant Chief Counsel  
JOHN K. HOXIE (Bar No. 162434)  
NAVTEJ. S. BASSI (Bar No. 188406)

By: \_\_\_\_\_  
Navtej Bassi  
Attorneys for Defendants

IT IS SO ORDERED

DATED: \_November 30, 2005      /s/ Frank C. Damrell Jr.  
United States District Judge